



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 28, 1998

Ms. Regina Atwell  
City Attorney  
City of Cleburne  
P.O. Box 677  
Cleburne, Texas 76033-0677

OR98-1776

Dear Ms. Atwell:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 117539.

The City of Cleburne (the "city") received an open records request for the city's records pertaining to an incident of injury to a child that occurred in 1992. You contend that the requested records are excepted from required public disclosure pursuant to section 552.101 of the Government Code.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, *statutory*, or by judicial decision." (Emphasis added.) Section 261.201(a) of the Family Code provides:

The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect [of a child] made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, *the files, reports, records, communications, audiotapes, videotapes, and*

*working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.*  
[Emphasis added.]

You have not informed this office of any rules the city has adopted that would permit access to the requested records. Because the information at issue pertains to an investigation of child abuse, this office concludes that the city must withhold the requested records in their entirety pursuant to section 261.201 of the Family Code.<sup>1</sup> *But see* Fam. Code § 261.201(b) (provision for court ordered access), (f) (limited right of access to records held by Department of Protective and Regulatory Services).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/RWP/nc

Ref.: ID# 117539

Enclosures: Submitted records

cc: Ms. Naemi Halbert  
1405 Phillips  
Cleburne, Texas 76031  
(w/o enclosures)

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<sup>1</sup>We note that although the city did not request an open records decision from this office within the ten business days following the city's receipt of the open records request, the confidentiality conferred on these records by section 261.201 of the Family Code constitutes a "compelling" reason for non-disclosure that overcomes the legal presumption that the records are public information. *See* Gov't Code § 552.302; Open Records Decision No. 150 (1977).